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APPLIED MATERIALS, INC.

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14

15 APPLIED MATERIALS, INC.,
16 Plaintiff,
17 vs.
18 DEMARAY LLC,
19 Defendant.

CASE NO. 5:20-cv-05676-EJD

**DECLARATION OF BORIS
LUBARSKY IN SUPPORT OF
APPLIED MATERIALS, INC.'S
MOTION FOR PRELIMINARY
INJUNCTION**

1 I, Boris Lubarsky, hereby declare as follows:

2 1. I am an associate with the law firm Paul Hastings LLP, counsel for the Plaintiff Applied
3 Materials, Inc. (“Applied”). I have personal knowledge of the facts contained in the declaration
4 and, if called upon to do so, I could and would testify competently to the matters set forth herein.

5 2. Applied Materials is headquartered in Santa Clara, California. Attached hereto as **Exhibit**
6 **A** is a true and correct copy of Applied’s registration with the California Secretary of State.

7 3. According to Demaray LLC’s website, Demaray LLC is based in Silicon Valley and
8 Earnest Demaray resides in Northern California. Attached hereto as **Exhibit B** is a true and
9 correct copy of a printout from Demaray LLC’s website, which I obtained on September 4, 2020
10 from the following URL: <https://www.edemaray.com/bios.html>.

11 4. According to his LinkedIn profile, Ravi Mullapudi, one of the named inventors of the
12 Asserted Patents, resides in Northern California. Attached hereto as **Exhibit C** is a true and
13 correct copy of a printout from Mr. Mullapudi’s LinkedIn page, which I obtained on September 4,
14 2020 from the following URL: <https://www.linkedin.com/in/ravi-mullapudi-03638115>.

15 5. According to her LinkedIn profile, Hongmei Zhang, one of the named inventors of the
16 Asserted Patents, resided in Massachusetts. Attached hereto as **Exhibit D** is a true and correct
17 copy of a printout from Ms. Zhang’s LinkedIn page, which I obtained on September 4, 2020 from
18 the following URL: [https://www.linkedin.com/in/hmzhang?trk=people-guest_people_search-](https://www.linkedin.com/in/hmzhang?trk=people-guest_people_search-card)
19 [card](https://www.linkedin.com/in/hmzhang?trk=people-guest_people_search-card).

20 6. According to his LinkedIn profile, Mukundan Narasimhan, one of the named inventors of
21 the Asserted Patents, resides in India. Attached hereto as **Exhibit E** is a true and correct copy of
22 Mr. Narasimhan’s LinkedIn page, which I obtained on September 4, 2020 from the following
23 URL: [https://in.linkedin.com/in/mukundan-narasimhan-809ab79?trk=people-](https://in.linkedin.com/in/mukundan-narasimhan-809ab79?trk=people-guest_people_search-card)
24 [guest_people_search-card](https://in.linkedin.com/in/mukundan-narasimhan-809ab79?trk=people-guest_people_search-card).

1 7. According to the contract between Demaray's predecessor, Symmorphix, and Applied's
2 affiliate, Applied Komatsu, the contract was negotiated, executed, and performed in Northern
3 California. Attached hereto as **Exhibit F** is a true and correct copy of the Sales and Relationship
4 Agreement between Symmorphix and Applied Komatsu. The exhibit has been redacted to remove
5 confidential financial information and to remove hand-written notes from the copy of the
6 agreement maintained by Applied in its business records.

8 8. Gary Edwards was the attorney who prosecuted the parent patent application to the
9 Asserted Patents. Attached as **Exhibit G** is a true and correct copy an excerpt of the file history
10 for Patent Application No. 10/101863. According to his work profile page, he resides and works
11 in Northern California. Attached as **Exhibit H** is a true and correct copy of Mr. Edward's work
12 profile page, which I obtained on September 4, 2020 from the following URL:

13 <https://www.haynesboone.com/people/e/edwards-gary>.

14
15 9. According to Intel's website, Intel has its headquarters in Northern California. Attached as
16 **Exhibit I** is a true and correct copy of a printout of Intel's corporate website, which I obtained on
17 September 4, 2020 from the following URL:

18 <https://www.intel.com/content/www/us/en/support/articles/000015107/programs.html>.

19 10. According to Samsung's website, it conducts business operations in Northern California
20 out of its Silicon Valley office. Attached as **Exhibit J** is a true and correct copy of a printout
21 Samsung's corporate website, which I obtained on September 4, 2020 from the following URL:

22 <https://www.samsung.com/us/ssic/location/san-jose-ca/>.

1 DATED: September 4, 2020

2 By: /s/

3 _____
4 Boris Lubarsky